

7A Am. Jur. 2d Automobiles § 105

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Automobiles and Highway Traffic

Barbara J. Van Arsdale, J.D.; Keith A. Braswell, J.D., of the staff of the National Legal Research Group, Inc.; George Blum, J.D.; John Bourdeau, J.D.; Paul M. Coltoff, J.D.; John A. Gebauer, J.D.; Noah J. Gordon, J.D.; Mary Babb Morris, J.D., of the staff of the National Legal Research Group, Inc.; Karl Oakes, J.D.; and Eric C. Surette, J.D.

III. Licensing, Taxation, and Registration

B. Drivers or Operators

1. In General

§ 105. Nature of license; license as privilege

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  [130](#), [136](#), [137](#)

Although there is also authority to the contrary, most courts view the procurement of a driver's license not as a right, but as a privilege.¹ In such jurisdictions, a license may be taken away or encumbered as a means of meeting a legitimate legislative goal,² or when the interest of public safety or welfare is at stake.³

On the other hand, a license cannot be taken away without due process of law, whether it is viewed as a right⁴ or a privilege.⁵

In some jurisdictions, a driver's license number, as well as the number written on the front of an identification card issued for nondrivers, is considered exclusively associated with the individual to whom it was issued to and does not cease to be valid simply because the card itself has expired or is suspended; once the number is assigned by the Bureau of Motor Vehicles (BMV) to an individual, the number becomes associated with that person and remains valid for purposes of identification.⁶

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Footnotes

- ¹ State v. Cifelli, 214 Ariz. 524, 155 P.3d 363 (Ct. App. Div. 1 2007); Tolces v. Trask, 76 Cal. App. 4th 285, 90 Cal. Rptr. 2d 294 (4th Dist. 1999); Colorado Dept. of Revenue v. Garner, 66 P.3d 106 (Colo. 2003); Lite v. State, 617 So. 2d 1058 (Fla. 1993); State v. Vogel, 548 N.W.2d 584 (Iowa 1996); State v. Becker, 36 Kan. App. 2d 828, 145 P.3d 938 (2006); Pletcher v. Com., 992 S.W.2d 852 (Ky. Ct. App. 1998); State v. Jackson, 764 So. 2d 64 (La. 2000); Carrier v. Secretary of State, 2012 ME 142, 60 A.3d 1241 (Me. 2012); Luk v.

Com., 421 Mass. 415, 658 N.E.2d 664 (1995); *State v. Fish*, 280 Minn. 163, 159 N.W.2d 786 (1968); *State v. Jackson*, 2015 MT 87N, 378 Mont. 542, 348 P.3d 673 (2015); *State v. Hansen*, 249 Neb. 177, 542 N.W.2d 424 (1996); *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 747 P.2d 1386 (1987); *State v. Oliver*, 343 N.C. 202, 470 S.E.2d 16 (1996); *State v. Ertelt*, 548 N.W.2d 775 (N.D. 1996); *State v. Uskert*, 85 Ohio St. 3d 593, 1999-Ohio-289, 709 N.E.2d 1200 (1999); *Sprecher v. Com., Dept. of Transp., Bureau of Driver Licensing*, 100 A.3d 768 (Pa. Commw. Ct. 2014); *Chisolm v. South Carolina Dept. of Motor Vehicles*, 402 S.C. 593, 741 S.E.2d 42 (Ct. App. 2013); *Phillips v. Texas Dept. of Public Safety*, 362 S.W.3d 252 (Tex. App. Beaumont 2012); *State v. Smet*, 2005 WI App 263, 288 Wis. 2d 525, 709 N.W.2d 474 (Ct. App. 2005). *Lite v. State*, 617 So. 2d 1058 (Fla. 1993).

Maumee v. Anistik, 69 Ohio St. 3d 339, 1994-Ohio-157, 632 N.E.2d 497 (1994).

As to the suspension and revocation of a driver's license, generally, see §§ 117 to 119.

Elizondo v. State, Dept. of Revenue, Motor Vehicle Division, 194 Colo. 113, 570 P.2d 518 (1977).

Miller v. Arkansas Dept. of Finance and Admin., 2012 Ark. 165, 401 S.W.3d 466 (2012); *Pringle v. Wolfe*, 88 N.Y.2d 426, 646 N.Y.S.2d 82, 668 N.E.2d 1376 (1996); *North Dakota Dept. of Transp. v. DuPaul*, 487 N.W.2d 593 (N.D. 1992); *Plowman v. Com., Dept. of Transp., Bureau of Driver Licensing*, 535 Pa. 314, 635 A.2d 124 (1993).

A driver's license is a special privilege which carries with it certain due process rights; the licensee has no absolute right of ownership in a motor vehicle operator's license, and the driver's right to use the license is specifically conditioned on observing specified operating standards. *State v. Savard*, 659 A.2d 1265 (Me. 1995).

In re Resnover, 979 N.E.2d 668 (Ind. Ct. App. 2012).

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